

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT CINCINNATI**

JAMES BOHANNON,

Petitioner, : Case No. 1:12-cv-542

- vs -

Chief Judge Susan J. Dlott  
Magistrate Judge Michael R. Merz

WARDEN, Allen/Oakwood  
Correctional Institution,

Respondent.

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**REPORT AND RECOMMENDATIONS ON MOTION TO APPEAL IN  
FORMA PAUPERIS; DEFICIENCY ORDER**

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This habeas corpus case is before the Court on Petitioner's Motion for Leave to Appeal *in forma pauperis* (Doc. No. 34). Petitioner has adequately established that he is indigent and unable to pay the filing fee for appealing (\$505). However, this Court has already determined that any appeal would not be taken in objective good faith and has certified that result to the Sixth Circuit (Doc. No. 27). The issues to be addressed on appeal are not disclosed to the Court, so the Court has no basis to reconsider that question. It is therefore recommended that Petitioner's Motion be DENIED.

Having filed a Notice of Appeal but without permission to appeal *in forma pauperis*, Petitioner is ordered to pay the appellate filing fee of \$505 by January 21, 2014, or apply to the Court of Appeals for leave to proceed *in forma pauperis*.

December 20, 2013.

s/ *Michael R. Merz*  
United States Magistrate Judge

### **NOTICE REGARDING OBJECTIONS**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to seventeen days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(C), (D), (E), or (F). Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 153-55 (1985).